

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 \* \* \*

4 DAVID T. MARKS,

5 Plaintiff,

6 v.

7 NANCY A. BERRYHILL, ACTING  
8 COMMISSIONER OF SOCIAL SECURITY.,

9 Defendant.  
10

Case No. 2:16-cv-03034-APG-NJK

**ORDER ON REPORT AND  
RECOMMENDATION**

(ECF. Nos. 13, 15, 18)

11 On January 7, 2018, Magistrate Judge Koppe entered a report and recommendation that I  
12 remand this case to the administrative law judge. No party filed an objection. Thus, I am not  
13 obligated to conduct a de novo review of the report and recommendation. 28 U.S.C. § 636(b)(1)  
14 (requiring district courts to “make a de novo determination of those portions of the report or  
15 specified proposed findings to which objection is made”); *United States v. Reyna-Tapia*, 328 F.3d  
16 1114, 1121 (9th Cir. 2003) (en banc) (“the district judge must review the magistrate judge’s  
17 findings and recommendations de novo *if objection is made*, but not otherwise” (emphasis in  
18 original)).

19 IT IS THEREFORE ORDERED that Judge Koppe’s report and recommendation (**ECF**  
20 **No. 18**) **is accepted**, the plaintiff’s motion for remand (**ECF No. 13**) **is GRANTED**, and the  
21 defendant’s motion to affirm (**ECF No. 15**) **is DENIED**. This case is REMANDED to the  
22 administrative law judge for further proceedings consistent with this order and with Judge  
23 Koppe’s report and recommendation.

24 DATED this 2nd day of February, 2018.

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27 ANDREW P. GORDON  
28 UNITED STATES DISTRICT JUDGE